

REMARKS

The Examiner's action dated October 15, 2008, has been received, and its contents carefully noted.

In response to the objection to the abstract, submitted herewith is a replacement abstract that corrects all informalities noted by the Examiner and otherwise conforms to all requirements of U.S. practice.

With regard to the comments on page 3 of the action regarding the specification and claims, the following should be noted:

This is a U.S. National Stage application. At the time of entry into the national stage, there were submitted annexes to the International Preliminary Report on Patentability, these annexes containing page 2 to be substituted for original specification page 2 and claims 1-6 to be substituted for original claims 1-9. In accordance with PTO rules, these substitute pages were to be used for examination purposes in this application. Therefore, the application was not filed with multiple specifications and original claims 1-9 were replaced with new claims 1-6;

In the office action, the Examiner mentions "a version dated July 14, 2008". No papers were filed in connection with this application on or about that date. It is

possible that papers received in the office on that date came from the International Bureau.

Accordingly, by the present amendment, the claims that were to be examined, claims 1-6, have been amended.

In response to the rejection of claims 1-9 under 35 U.S.C. 112, second paragraph, the claims that were to be examined, claims 1-6 appearing in the annexes to the International Preliminary Report on Patentability, have been amended to eliminate all of the informalities noted by the Examiner.

It is therefore requested that these rejections be reconsidered and withdrawn.

The rejection of claims 1-4 and 6-9 as anticipated by Gustafson is respectfully traversed, for the reason that the novel filter now define in the present claims is not disclosed in the applied reference.

Gustafson discloses a pressure sensor assembly that is housed on top of a filter casing, rather than inside the casing. The pressure sensor assembly includes pressure sensing means composed of a piston having a movable magnetic element 176 driven by a spring 184, the piston being in fluid communication with both chambers of the filter through respective passages 148 and 150.

It is clear that the structure disclosed by Gustafson requires that a special modification be made to the filter head in order to receive the pressure sensing means. This is, of course, a costly and impractical solution. Filter heads are usually made of a metal alloyed by casting. The formation of conduits and seats in the filter head for accessory devices inevitably increases the overall cost of the product. It also increases the overall size of the resulting filter assembly, exacerbating problems created by the limited space usually available in the engine compartment for such a filter assembly.

In clear contrast, the present invention does not require any modification of a conventional filter head in order to receive pressure sensing means. Rather, according to the invention, and as defined in claim 1, the filter according to the present invention includes a pressure sensor means housed inside the filter outer casing, the pressure sensor means comprising an elastically deformable element inside the fuel entry or exit chamber of the filter element.

In further accordance with the invention, the elastically deformable element is composed of an extendable membrane. Support for this latter recitation will be found in the specification at page 5, line 4.

Thus, the pressure sensor means according to the present invention, by using the claimed membrane can easily be accommodated in existing filter heads.

In addition, the device proposed by Gustafson will likely have sealing problems associated with the coupling between the seat of the piston (O-ring 144) and the top of the casing. These problems are eliminated in a filter according to the present invention, where the deformable element is inside the filter casing.

Thus, claim 1, by providing the recitations discussed above, clearly distinguishes over the disclosure of Gustafson.

Claims 7-12 have been added to define a further feature of the invention and claims 2-12 should be considered allowable in view of their dependency from claim 1.

In view of the foregoing, it is requested that all of the objections and rejections presented in the action be reconsidered and withdrawn, that claims 1-12 be allowed and that the application be found in allowable condition.

If the above amendment should now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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